

INITIAL STATEMENT OF REASONS

Amend Commission Regulation 1005

The Commission on Peace Officer Standards and Training (POST) proposes to amend Commission Regulation 1005 – Minimum Standards for Training to address the following:

- Remove the Law Enforcement Driving Simulator (LEDS) as an option for fulfilling the Driver Training/Awareness requirement of the Perishable Skills Program (PSP).

Justification for Proposed Revisions

Current regulation allows simulators to be used to meet the minimum topic requirements for the Driver Training/Awareness Perishable Skills. While the Law Enforcement Driving Simulators (LEDS) do provide students with decision-making training related to operating a police vehicle, they do not allow them to demonstrate proficiency in vehicle operations or meet all minimum topics of the PSP requirement. LEDS have become a primary instructional method for drivers training rather than an augmentation as originally intended. In addition, LEDS have become extremely expensive to purchase, replace and maintain.

While LEDS allow for opportunities for judgment and critical decision-making, they are not a true representation of behind-the-wheel driving. They also do not allow students to practice backing and parking in the manner consistent with maneuvering an actual vehicle. The LEDS only allows the use of mirrors when practicing backing. While many peace officers do operate a vehicle during their shifts, this is not the case for every peace officer required to complete PSP training. Behind-the-wheel training allows for more time to focus on and engage in specific skills related to operating a police vehicle including, but not limited to, vehicle dynamics, defensive driving, intersection exercises, backing/parking, and judgment and decision-making. Each of these are minimum training topic requirements for the Driver Training/Awareness PSP.

In 2009, California POST invested over \$11 million in Law Enforcement Driving Simulators (LEDS). They were distributed to the statewide Regional Skills Training Centers (RSTC) during 2010-2011 and have served to offer critical, continuing professional driver training to tens of thousands of law enforcement personnel over the past decade. However, these simulators had an anticipated eight-year life span due to the degradation of the hardware and software capabilities resulting from constant use, as well as mechanical wear-and-tear of the cockpit area. POST previously exercised the option to extend the service/warranty agreement by several years. Many of the LEDS have now far exceeded their life span; thus, making them less effective. It would be imprudent to continue using ineffective equipment to train peace officers.

POST staff recognize that a new Continuing Professional Training (CPT) cycle has already begun; therefore, for the first half of the 2021-2022 CPT cycle, until this proposed amendment takes effect, personnel will still be allowed to complete the Driver Training/Awareness Perishable Skills course using a LEDS. However, all minimum topics shall be met as specified for Driver Training/Awareness.

Significant Statewide Adverse Economic Impact Directly Affecting California Businesses, Including Small Businesses

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The Commission on Peace Officer Standards and Training has made a determination that the amended regulation will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability to compete with businesses in other states. The Commission on Peace Officer Standards and Training has found that the proposed amendments will have no effect on California businesses, including small businesses, because the regulation addresses the following: the Commission sets law enforcement selection and training standards for its member law enforcement agencies and training providers. Participation in the POST program is voluntary and limited to governmental law enforcement agencies.

The proposed regulatory amendments will only have a direct effect on those law enforcement agencies who voluntarily participate in the POST program or who are providers of law enforcement training that meet established criteria. The proposed regulatory amendments will neither create nor eliminate jobs in the State of California and will not result in the elimination of existing businesses, ability to expand businesses in the State of California, or discourage qualified business from becoming providers of law enforcement training. Therefore, this action does not have any significant adverse economic impact on California businesses, including small businesses.

Cost Impacts on Representative Private Persons or Businesses

The Commission on POST is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with this proposed action.

Assessment

The adoption of the proposed regulation amendments will neither create nor eliminate jobs in the State of California and will not result in the elimination of existing businesses or create or expand businesses in the State of California.

Consideration of Alternatives

The Commission determined that no reasonable alternative considered by the Commission or that has otherwise been identified and brought to the attention of the Commission would be more effective in carrying out the purpose for which the action is proposed, would be as effective, and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of the law.

Benefits Anticipated

The specific benefits anticipated by the proposed regulatory changes to the regulation will increase the effectiveness of law enforcement standards for peace officers in preserving peace, protection of public health and safety, and welfare of California. There would be no effect in regard to the environment, the prevention of discrimination, and the increase in openness and transparency in business and government.

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Economic Impact Analysis

Impact of Jobs/New Business:

The Commission on POST sets law enforcement selection and training standards for its member law enforcement agencies and training providers. Participation in the POST program is voluntary and limited to governmental law enforcement agencies. The proposed regulatory amendments will only have a direct effect on those law enforcement agencies who voluntarily participate in the POST program or providers of law enforcement training who meet established criteria. The criteria for becoming a law enforcement training provider for POST are not affected by the proposed regulatory amendments. Therefore, the proposed regulatory amendments will neither create nor eliminate jobs in the State of California. Additionally, they will not result in the elimination of existing businesses, ability to expand businesses in the State of California, or discourage qualified business from becoming providers of law enforcement training.

Assessment:

The Commission on Peace Officer Standards and Training has found that the proposed amendments will have no effect on California businesses, including small businesses, nor will the changes impact the elimination or creation of jobs.

The Commission's main function to set selection and training standards for law enforcement, which are government entity, has no impact financially to California businesses including small businesses.

Benefits of the Regulation:

The benefits of proposed amendments to the regulation will increase the efficiency of the state of California in delivering high quality services to stakeholders. Thus, the law enforcement standards are maintained and effective in preserving peace, protection of public health, safety, and welfare of California. The proposed amendments will have no impact on worker safety or the State's environment.